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SUBJECT: ZANZIBAR'S WORK ON TIP LAUDABLE; HUNGRY FOR MORE
HELP

¶1. (U) SUMMARY: Zanzibar has taken the subject of trafficking in persons (TIP) to heart. Immigration officials have trained their own officers as well as local administrators and identified the need to review the legislation on TIP. Prosecutors, journalists, politicians, tourism officials, and police all recognize TIP patterns on the islands of Unguja and Pemba and would welcome U.S. assistance to further train police, prosecutors and tourism officers.

Immigration leading the way

¶2. (U) The Immigration officials who participated in the IOM-led workshop on TIP in Bagamoyo in November 2005 brought the information back to Zanzibar, raising awareness within the Immigration Department and throughout the community. Immigration trained 170 (140 on Unguja and 30 on Pemba) of the 248 immigration officers on Zanzibar and has taken the training to the village level by training local administrators known as ward secretaries or "Shehas." Shehas are contacted by individuals who need proof of birth, residency or citizenship for passport issuance or other official matters. Zanzibar's identification card system began in 2005 and is not yet complete, so many Zanzibaris do not have proof of identity, birth, residence or citizenship. To obtain a passport or other documents, individuals contact the local Sheha who may issue a letter to the Department of Immigration recommending the issuance of a passport. This document is required in order for Immigration to consider an individual's application for a passport. The Immigration Department trained 211 Shehas on Unguja (all but a few who were ill on the day of the training) and plans a training for the 101 Shehas on Pemba at the end of August. Officials said the one-day training was the first time that many Shehas learned of human trafficking, how to identify it and how to assist victims.

Investigation and prosecution

¶3. (U) TIP cases are investigated by the Criminal Investigations Division (100 officers) of the police and prosecuted by the Director of Public Prosecution (DPP), not by police prosecutors as was the case until 2003. The DPP is responsible for prosecuting all criminal cases, but a 2005 law allows the DPP's office to delegate that authority to other institutions for categories of crimes. For example, the DPP delegated to the Immigration Department the authority to prosecute immigration cases involving cross-border crimes or entering or working illegally. Most TIP crimes fall under the prosecutorial purview of the DPP. A case takes an average of six to seven months from the time it is brought to the DPP to the time a decision is rendered. Prosecutor Mohammed Kiobya told Poloff August 21 that prosecutors have not yet received TIP training and suggested this may explain

the lack of cases prosecuted.

¶4. (U) Although officials have not made arrests or prosecuted cases regarding TIP, officials investigated cases suspected to be trafficking. Immigration officials keep records, including statements, photos and biodata, and have refused to issue travel documents for some individuals with suspicious application materials or circumstances.

Immigration hopes to move these records to a computerized system in the near future. Police Inspector Ali Hamad Said, in charge of the police station at Kiongwe in the tourist belt of northern Unguja, told Poloff August 14 that officers at his station investigated "three to five" claims of trafficking so far in 2006 and concluded one was TIP while the others were not. (The one case of TIP is described in paragraph 8.)

More help wanted

¶5. (U) Assistant Commissioner of Police K.K. Kheir wants TIP training for police officers, beginning with a group of key officers and then to include the training at the police college in Zanzibar. When Poloff told Kheir of the upcoming training by the Department of Justice in Dar es Salaam, Iringa and Mwanza, Kheir told Poloff "please include us; we need it" and asked that general duty officers be trained. Kheir fears history is repeating itself, with Zanzibar serving as a transit point as it did for the slave market in the 19th century. Police Inspector Said recommended training for police, immigration and prosecutors.

¶6. (U) TIP is addressed in separate legislation on the mainland and on Zanzibar. Immigration officials recognize the shortcomings of Zanzibar's current TIP law and would welcome assistance to reform section 172 of Penal Act No. 6 of 2004 in order to meet international standards.

Immigration officials suggested that the Chief Minister's office, in collaboration with the Ministry of Labour, Women and Children, should take the lead in reviewing legislation. Prosecutor Mohammed Kiobya admitted the legal definition of TIP may need some amendment but said the real problem is the lack of training for police and prosecutors. Immigration officials also requested practical training on how to collect evidence of TIP crimes. The Zanzibar Tourism Commission would welcome training for its five regional tourism officers and 14 tourism patrolling officers which liaise with other government authorities to enhance security.

Patterns

¶7. (U) The Zanzibar Tourist Commission identified the main pull factor for TIP on Zanzibar as business owners looking for cheap labour in order to increase profits. Journalist Ali Shehele said girls from Iringa (mainland) and Pemba come to Unguja to work as housemaids, while individuals from Tanga (mainland) generally come to Zanzibar to work in construction, tailoring and hotels. Travel to Unguja is predominantly by ferry.

¶8. (U) Police Inspector Said, in charge of the police station at Kiongwe in the tourist belt of northern Unguja, identified one case of TIP. Regina, a woman who owns a bar on Zanzibar, asked a man in Dar es Salaam to find two women to work in her bar. The man, Chande, recruited two women under 20 years old in Dar es Salaam in June 2006 by offering them jobs in a hotel for "a good salary." He arranged for the women's transportation by ferry and Regina met them in Zanzibar. They worked in her bar for 15,000 shillings per month (approximately USD 12), but were unhappy with the arrangement and villagers directed them to the police. Said spoke with the bar owner who said she did not know what the man had said to the girls and that if they returned to Dar, she wanted to be repaid the cost of their transport. After further discussion with Said, the owner agreed to forego the cost of transportation to Zanzibar and agreed to pay for part of the women's transport back to Dar. Said negotiated a reduced transport fee with the owner of a boat and paid the

other part of their transport costs. The women called Said when back in Dar to let him know they had arrived safely. The case is not being prosecuted due to not knowing the location of the recruiter in Dar and the witnesses not willing to stay in Zanzibar for the duration of the case.

¶9. (U) Tourism officials observe individuals from Uganda, Rwanda, Kenya and the mainland come to Zanzibar as a "greener pasture" as there is a small number of skilled labourers on Zanzibar and demand outweighs the supply. Prior to the Zanzibar Commission for Tourism implementing changes to the training system in 2003, training for hospitality industry jobs on Zanzibar was used in a TIP scheme. In 2000, 13 women from Songea were recruited to come to Zanzibar. They took a bus to Dar and a ferry from Dar to Zanzibar where they were met and taken to Bububu, north of Stone Town. There they were kept in one room and given three meals a day, then two, then one, presumably as the traffickers' funds ran low. They came to the office of the Commission and gave officials there "quite a shock." The Commission responded by introducing a registration process and training levy in order to monitor individuals coming from the mainland to Zanzibar for hotel training. Since 2003, trainees must register with the Commission, state with which hotel they are training and pay a USD 50 fee. The Commission contacts the hotel and verifies the length of training. Hotels can have a maximum of 15 trainees at one time and are reticent to accept trainees without the Commission's permission.

¶10. (U) Immigration officers said there have been a few cases of trafficking victims returning to Zanzibar from the Middle East, including the United Arab Emirates. Politician Naila Jaddawi knew of victims who had returned from Oman and Dubai. Shehele said young girls are shown photos of handsome, successful men in Arabia that are looking for housemaids and that Zanzibaris travel to Oman through arrangements made by relatives, while residents of the mainland have travel arranged by agents. Victims who traveled by arrangement of relatives found it particularly difficult to refuse to engage in the work arranged, to refuse to accept the payment offered, or to leave.

Planes, ferries and bars -- keeping up appearances

¶11. (U) Passengers arriving or departing on domestic flights at Zanzibar airport are not checked by immigration officials, although officials have the authority to do so if they suspect something is wrong. Similarly, residents arriving by ferry are not checked, but officials agreed that

it is difficult to discern which passengers are Zanzibari. It is left to the individual officer's judgment based on the passenger's physical appearance and officials admitted that residents of the mainland and of other African countries routinely enter Zanzibar without an immigration check because of this practice. Immigration officials said this is "a matter of practice and procedure" and did not know what level of government could change the practice. They added that "years ago" immigration officials checked all passengers but under President Mwinyi (President of Zanzibar 1984-85), this practice was found to violate the Constitution and the guarantee of freedom of movement and the legislature endorsed this finding.

¶12. (U) Immigration and tourism officials agreed that the lack of immigration checks for domestic flights and for ferry passengers means that no one knows exactly who is on Zanzibar. Both groups said they would prefer to monitor entry more closely and identified a need for more security and patrols of entry points. For tourism officials, this is a loophole for tourism statistics as secondary tourists (those coming from another destination in Tanzania before to Zanzibar) and domestic tourists are not counted. This would make the tourist count of 125,443 in 2005 a low estimate.

¶13. (U) Another visual check loophole with potential consequences regarding TIP is the minimum drinking age. Individuals under 18 are not allowed to be in a bar, but the

identification card system is not established, so bar employees rely on one's physical appearance to gauge one's age. If not satisfied that the individual is at least 18, an employee can refuse entry.

Protection options lacking

¶14. (U) Victims of trafficking who do not want, or are unable, to return home have limited options for receiving assistance on Zanzibar. Community members may take them in and some may be assisted at the SOS Children's Village school in Mombasa near Stone Town that provides care for orphans. The girls that contacted the police in Kiongwe stayed at the police station, but not in cells, until transportation home was arranged. However, there is no NGO known to be providing assistance to TIP victims on Zanzibar. Tanzanian law prohibits NGOs working on the mainland from operating on Zanzibar, and vice versa, so IOM is actively seeking an additional partner for providing assistance to victims on Zanzibar.

COMMENT:

¶15. (U) The initiative of Zanzibar officials to identify patterns and loopholes in order to combat TIP is laudable, as is their request for further training and assistance. Post recommends that DOJ consider: (a) conducting training on Zanzibar; (b) reviewing the Zanzibari law concerning TIP; and (c) reviewing immigration procedures at entry points, as part of the President's Initiative to Combat TIP in order to improve security of Zanzibar's borders and improve the capacity of Zanzibari officials to identify and prosecute TIP crimes.

¶16. (U) Rachel Yousey, Reports Officer for Africa in G/TIP cleared this cable.

RETZER